

STATE OF COLORADO

DIVORCE PACKAGE

UNCONTESTED - ADULT CHILDREN

WITH OR WITHOUT PROPERTY

Control Number - CO-004-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

**You and your spouse must agree to all terms of the divorce to use this packet.
All forms to be filed with the Clerk must be printed on Bond paper.**

INFORMATION ABOUT DIVORCE

1. **WHO MAY USE THESE FORMS:** This packet is designed for the sole purpose of obtaining an *uncontested* divorce. This packet is only of use to you if you and your spouse are willing to agree to all the terms and conditions of your divorce. You must communicate with your spouse and keep him or her advised as to each step in the process. If you cannot agree, you will become involved in a *contested* divorce, which is beyond the scope of this packet. You may only use this package if all of the following are true:
 - (a) There are no minor children of said marriage, and the wife is not now pregnant. All children of the marriage are over the age of 18 and emancipated;
 - (b) The parties file the *Petition* as Petitioner and Co-Petitioner;
 - (c) The parties agree to all provisions of the divorce; and
 - (d) The parties complete the written *Separation Agreement* indicating the division of property, debts, and spousal maintenance, if any.

2. **THE BASICS:** In a typical divorce, you must satisfy two basic requirements before you can file for divorce. Those requirements include the ***residency requirements*** and appropriate ***grounds for divorce***. These requirements are discussed in detail in their respective sections, below.

In addition, you must agree with your spouse to become divorced, and agree to all the terms of the dissolution of marriage in filling out the forms, including property division. You will complete and file the forms (see detailed instructions, below) in the **District Court** for the county where either the petitioner or co-petitioner resides. *CRCP Rule 98*

3. **RESIDENCY REQUIREMENTS:** At least one of the parties must have been a resident of the State of Colorado for a period of ninety (90) days immediately prior to the filing of the action for dissolution of marriage. The action may be filed in the county where the petitioner or co-petitioner resides. *CRS 14-10-106; CRCP Rule 98*

4. **GROUND FOR DIVORCE:** Irretrievable breakdown of the marriage is the only ground for dissolution of marriage in the State of Colorado. *CRS 14-10-106.*

5. **LEGAL SEPARATION:** This package contains form for DIVORCE, not for Legal Separation. This information on Legal Separation is provided for your information only. A legal separation cannot be obtained using the forms in this package.

A legal separation is different than a divorce. A legal separation is a court determination of the rights and responsibilities of a husband and wife arising out of the marital

relationship. A decree of legal separation **does not terminate the marital status** of the parties, and the parties are **not** free to marry again. For more information, see, *CRS 14-10-106*.

6. **WAITING PERIODS:** At least 90 days must pass from when the parties co-filed the *Petition for Dissolution* before the court will sign the *Decree of Dissolution*. *CRS 14-10-106*.

7. **SPOUSAL MAINTENANCE/ ALIMONY:** Because this is an agreed divorce, you will decide issues of “spousal maintenance” (sometimes called “alimony”). The forms in this no-fault divorce package allow for either the payment of spousal maintenance or not-- you may complete the provisions and additional forms for spousal support if you desire. In a contested case, the courts might award alimony. **You should consult a local attorney regarding the possibilities concerning spousal maintenance if you have questions or foresee conflict regarding this issue.** For more information, see, *CRS 14-10-114*.

8. **DISTRIBUTION OF PROPERTY:** In a divorce, the property such as land, house, buildings, and items of personal property owned by the couple is divided between the parties. Debts owed are also allocated to one party or the other, or both. This is accomplished by means of a **Separation Agreement**. You and your spouse must agree to the property and debt division and memorialize your agreement in the **Separation Agreement**, which will be incorporated by reference into the *Decree of Dissolution* that ultimately ends your marriage. You may agree to divide the property any way you like, as long as a basic fairness is maintained, and you both agree. If you cannot agree on any item of this division, the dissolution of marriage transforms into a **contested divorce**. A contested divorce is outside the scope of this packet.

9. **NAME CHANGE:** If a party wants a prior name restored, they must indicate so on the *Petition and Decree*.

FORM LIST

The following forms are included in this package:

- A. Domestic Relations Case Information Sheet (CO-JDF-1000)
 - 1. Summons (CO-JDF-1102)
 - 2. Petition for Dissolution of Marriage (CO-JDF-1101)
 - 3. Response to Petition for Dissolution of Marriage (CO-JDF-1103)
 - 4. Separation Agreement (CO-JDF-1115)
 - 5. Sworn Financial Statement (CO-JDF-1111)
 - 6. Sworn Financial Statement (CO-JDF-1111SS)
 - 7. Affidavit for Decree of Dissolution Without Appearance of Parties (CO-JDF-1201)
 - 8. Decree of Dissolution of Marriage (CO-JDF-1116)
 - 9. Support Order (only for use if there will be spousal support) (CO-JDF-1117)
 - 10. Certificate of Compliance (CO-JDF-1104)

Note: Depending on your County additional forms may be required that are specific to your county. These forms will be available from the Clerk.

FORM EXPLANATIONS

All forms included in this package are identified and described below. If there is a space for the signature of a Notary on the form, then the form must be signed before a Notary Public.

- A. Domestic Relations Case Information Sheet (CO-JDF-1000):** This document is used by the court for informational purposes and as a means of determining whether you or your spouse has any other pending cases.
- 1. Petition for Dissolution of Marriage (CO-JDF-1101):** This document begins the divorce process and includes the necessary legal details for asking the court to dissolve your marriage. You and your spouse sign this document as Petitioner and Co-Petitioner.
 - 2. Response to Petition for Dissolution of Marriage (CO-JDF-1103):** This document is used by the Respondent if there is a dispute regarding provisions contained in the *Petition (CO-JDF-1101)*.
 - 3. Separation Agreement (CO-JDF-1115):** This document memorialized you and your spouse's agreements regarding division of property and debts. Must be consistent with your *Financial Affidavits (CO-JDF-1111)*.
 - 4. Sworn Financial Statement (CO-JDF-1111):** Both parties must complete their own copy of the Sworn Financial Statement. The Sworn Statement must contain information that is current at the time of your hearing. Information in the Sworn Statement must comport with the terms of your *Separation Agreement (CO-JDF-1115)*.
 - 5. Sworn Financial Statement, Supporting Schedules: (CO-JDF-1111SS):** Both parties must also complete this form and attach with the *Sworn Financial Statement (CO-JDF-1111)* only if there are investments, retirement, miscellaneous property or separate property to report.
 - 6. Affidavit for Decree of Dissolution without Appearance of Parties (CO-JDF-1201):** Because you and your spouse have agreed to all the terms and conditions of your divorce, you do not have to appear before the Judge for a hearing. This affidavit is your request to have the Judge approve and sign the *Decree of Dissolution of Marriage (CO-JDF-1116)* without your having to appear for a hearing.
 - 8. Decree of Dissolution of Marriage (CO-JDF-1116):** The final legal statement of the terms of your divorce, which incorporates your *Separation Agreement (CO-JDF-1115)*. Once reviewed and signed by the Judge the *Decree (CO-JDF-1116)* will automatically be entered with the clerk. You and your spouse must leave self-addressed, stamped envelopes with the clerk and pay the appropriate fee in order to obtain a certified copy of the *Decree (CO-JDF-1116)*.

9. **Support Order (CO-JDF-1117):** (only for use if there **will** be spousal maintenance): This form must be completed and signed by the Judge if spousal support is part of your *Separation Agreement (CO-JDF-1115)*.
10. **Certificate of Compliance (CO-JDF-1104):** This document is used to certify to the Court that the required financial information has been provided to the opposing party.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

STEP 1: In cooperation with your spouse, complete the following forms:

Form **A**- *Domestic Relations Case Information Sheet (CO-JDF-1000)*

Form **1**- *Summons (CO-JDF-1102)*

Form **2**- *Petition for Dissolution of Marriage (CO-JDF-1101)*

Form **3**- *Response to Petition for Dissolution of Marriage (CO-JDF-1103)*

Form **4**- *Separation Agreement (CO-JDF-1115)*

Form **5**- *Sworn Financial Statement (CO-JDF-1111)*

Form **6**- *Sworn Financial Statement, Supporting Schedules (CO-JDF-1111SS)*

Form **7**- *Decree of Dissolution of Marriage (CO-JDF-1116)*

Form **8**- *Affidavit for Decree of Dissolution without Appearance of the Parties (CO-JDF-1201)*

Form **9**- *Support Order (CO-JDF-1117)*

Use Form 9 **only** if your *Separation Agreement (CO-JDF-1115)* provides for **spousal maintenance**.

Form **10**- *Certificate of Compliance (CO-JDF-1104)*

STEP 2: Make several copies of each completed document. Go to the courthouse and FILE your completed forms with the clerk of court. You will have to pay a filing fee. Call ahead to determine the amount and acceptable forms of payment. Keep several copies of all documents stamped “filed” by the clerk.

The Judge will review your file and enter the *Decree of Dissolution of Marriage (CO-JDF-1116)* if all the forms are satisfactory. At least 90 days must pass from when the parties co-filed the *Petition for Dissolution (CO-JDF-1101)* before the court will sign the *Decree of Dissolution (CO-JDF-1116)*.

You and your spouse must each provide a self-addressed, stamped envelope to the clerk and pay the fee for obtaining a certified copy of the *Decree of Dissolution of Marriage (CO-JDF-1116)*. The clerk will mail your copy when the *Decree* is entered.

Be sure to confirm this process with the clerk- it is possible that certain counties may use different procedures.

CHECKLIST

- Follow the INSTRUCTIONS to complete:
- Form A (CO-JDF-1000), Form 1 (CO-JDF-1102) and Form 2 (CO-JDF-1101);
- Form 3 (CO-JDF-1103) and Form 4 (CO-JDF-1115);
- Form 5 (CO-JDF-1111) and Form 6 (CO-JDF-1111SS) (if necessary) and Form 7 (CO-JDF-1116).
- Form 8 (CO-JDF-1201) and Form 9 (CO-JDF-1117) (if there is spousal maintenance) and Form 10 (CO-JDF-1104)
- File completed forms with court clerk. Pay filing fees.
- You and your spouse must both leave self-addressed, stamped envelopes with the clerk, and pay the necessary fee to have a certified copy of the *Decree (CO-JDF-1116)* mailed to you. At least 90 days must pass from when the parties co-filed the *Petition for Dissolution (CO-JDF-1101)* before the court will sign the *Decree of Dissolution (CO-JDF-1116)*.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet may contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible. If they do not become visible, then they were not included in this form package.

To complete the forms click on the gray shaded areas and type the information. For the separation agreement complete the gray shaded areas and also make any other changes or additions to resolve all issues.

Some forms are locked which means that the content of the forms cannot be changed unless the form is unlocked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes relock the form, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/CO/CO-004-D.htm>

DISCLAIMER

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